

U.S. Patent Application No. 09/986,683
Reply to Final Office Action dated October 5, 2006

RECEIVED
CENTRAL FAX CENTER
NOV 02 2006

PATENT
450100-04865

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 47-65 are pending in this application. Claims 47, 53, 57, 61 and 63 are independent and hereby amended. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification, specifically at page 13. Claims 1-46 have been canceled without prejudice or disclaimer of subject matter. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 47-65 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,925,495 to Hedge et al. (hereinafter, merely "Hedge") in view of U.S. Patent No. 6,795,863 to Doty, Jr. (hereinafter, merely "Doty").

Claim 47 recites, *inter alia*:

"A method of transferring requested media data over a network comprising:

receiving a request for media data from a client device;

sending a detection code to the client device;

U.S. Patent Application No. 09/986,683
Reply to Final Office Action dated October 5, 2006

PATENT
450100-04865

detecting, at the client side, the media player information available on the client device by the detection code;

storing, at the client side, the media player information in one or more cookies;

verifying said one or more cookies to have valid settings and sending an acknowledgement indicating that said one or more cookies are sufficient to format the requested media data;

fetching the requested media data; and

transferring the requested media data suitable for the detected media player information to the client computer over the network.”
(emphasis added)

As understood by Applicant, Hedge relates to delivering on-demand playlist content to a requesting device by determining the attributes of the requesting device in order to increase performance of the delivered content. Media instructions are generated that direct the performance of the playlist on the requesting device and are based on the determined attributes. The performance of the playlist is monitored to help ensure the proper performance of the playlist.

As understood by Applicant, Doty relates to an e-mail system for simultaneously distributing a plurality of different video data streams across a network to a plurality of client recipient computers, wherein the video streams may be embedded into a web page that provides e-mail services.

It is respectfully submitted that the applied combination of Hedge and Doty does not provide the disclosure of claim 47. Specifically, the Office Action states, “Hedge does not explicitly teach... verifying that they have valid settings and are sufficient to format the requested media data” (See Office Action page 4). Applicant respectfully disagrees with the assertion that Doty provides the disclosure missing from Hedge.

U.S. Patent Application No. 09/986,683
Reply to Final Office Action dated October 5, 2006

PATENT
450100-04865

The Office Action cites column 6, line 67 - column 7, line 21 of Doty, which states, "...a cookie is set recording user settings up to this point so they will not have to go through this process again..."

Applicant submits that Hedge and Doty, taken alone or in combination, fail to teach or suggest the features of claim 47. Specifically, Applicant submits that there is no teaching or suggestion of a method of transferring requested media data over a network comprising verifying said one or more cookies to have valid settings and sending an acknowledgement indicating that said one or more cookies are sufficient to format the requested media data, as recited in claim 47.

Indeed, Applicant submits that setting a cookie recording user settings up to this point so they will not have to go through this process again is completely different than verifying said one or more cookies to have valid settings and sending an acknowledgement indicating that said one or more cookies are sufficient to format the requested media data.

Therefore, claim 47 is believed to be patentable.

Independent claims 53, 57, 61 and 63 are similar in scope to claim 47 and are believed patentable for similar reasons.

Therefore, independent claims 47, 53, 57, 61 and 63 are believed to be patentable.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the

U.S. Patent Application No. 09/986,683
Reply to Final Office Action dated October 5, 2006

RECEIVED
CENTRAL FAX CENTER

NOV 02 2006

PATENT
450100-04865

invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

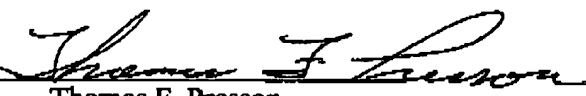
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By 
Thomas F. Presson
Reg. No. 41,442
Tel. (212) 588-0800